

## SENATE BILL No. 29

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24; IC 35-52-9.

**Synopsis:** Supervised practice driving. Provides that a licensed driver supervising the practice driving of certain newly licensed drivers while in a state of intoxication caused by the licensed driver's use of alcohol or a controlled substance commits a Class B misdemeanor. Makes corresponding changes.

**Effective:** July 1, 2015.

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## Kruse

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January 6, 2015, read first time and referred to Committee on Corrections & Criminal Law.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 29

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 9-24-3-2.5, AS AMENDED BY P.L.85-2013,  
2       SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 2.5. (a) Except as provided in section 3 of this  
4       chapter, an individual must satisfy the requirements set forth in one (1)  
5       of the following subdivisions to receive an operator's license:  
6       (1) The individual meets the following conditions:  
7       (A) Is at least sixteen (16) years and one hundred eighty (180)  
8       days of age.  
9       (B) Has held a valid learner's permit for at least one hundred  
10      eighty (180) days.  
11      (C) Obtains an instructor's certification that the individual has  
12      satisfactorily completed an approved driver education course.  
13      (D) Passes the required examination.  
14      (E) Completes at least fifty (50) hours of supervised driving  
15      practice, of which at least ten (10) hours are nighttime driving,  
16      with:



- 1 (i) a licensed instructor or a licensed driver, with valid
- 2 driving privileges, who is at least twenty-five (25) years of
- 3 age; or
- 4 (ii) the spouse of the individual who is a licensed driver with
- 5 valid driving privileges and is at least twenty-one (21) years
- 6 of age.
- 7 (2) The individual meets the following conditions:
- 8 (A) Is at least sixteen (16) years and two hundred seventy
- 9 (270) days of age.
- 10 (B) Has held a valid learner's permit for at least one hundred
- 11 eighty (180) days.
- 12 (C) Passes the required examination.
- 13 (D) Completes at least fifty (50) hours of supervised driving
- 14 practice, of which at least ten (10) hours are nighttime driving,
- 15 with:
- 16 (i) a licensed instructor or a licensed driver, with valid
- 17 driving privileges, who is at least twenty-five (25) years of
- 18 age; or
- 19 (ii) the spouse of the individual who is a licensed driver with
- 20 valid driving privileges and is at least twenty-one (21) years
- 21 of age.
- 22 (3) The individual meets the following conditions:
- 23 (A) Is at least sixteen (16) years and one hundred eighty (180)
- 24 days of age but less than eighteen (18) years of age.
- 25 (B) Has previously been a nonresident of Indiana, but, at the
- 26 time of application, qualifies as an Indiana resident.
- 27 (C) Has held a valid driver's license, excluding a learner's
- 28 permit or the equivalent, in the state or a combination of states
- 29 in which the individual formerly resided for at least one
- 30 hundred eighty (180) days.
- 31 (D) Passes the required examinations.
- 32 (4) The individual meets the following conditions:
- 33 (A) Is at least eighteen (18) years of age.
- 34 (B) Has previously been a nonresident of Indiana but, at the
- 35 time of application, qualifies as an Indiana resident.
- 36 (C) Held a valid driver's license, excluding a learner's permit
- 37 or the equivalent, from the state of prior residence.
- 38 (D) Passes the required examinations.
- 39 (b) An applicant who is required to complete at least fifty (50) hours
- 40 of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D)
- 41 must submit to the commission under IC 9-24-9-2(c) evidence of the
- 42 time logged in practice driving.



(c) The licensed driver supervising the supervised driving practice required under subsection (a)(1)(E) and (a)(2)(D) may not be in a state of intoxication caused by the licensed driver's use of alcohol or a controlled substance, as prohibited by and set forth under IC 7.1-5-1-3(a). A vehicle may not be stopped to determine compliance with this subsection by the licensed driver supervising the supervised driving practice. A vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle other than the licensed driver supervising the supervised driving practice may not be inspected, searched, or detained solely because of a violation of this subsection.

(d) A licensed driver supervising the supervised driving practice required under subsection (a)(1)(E) and (a)(2)(D) while in a state of intoxication caused by the licensed driver's use of alcohol or a controlled substance commits the offense set forth in IC 7.1-5-1-3(a).

SECTION 2. IC 9-24-7-4, AS AMENDED BY P.L.85-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle or commercial motor vehicle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor or student teacher in the front seat of a motor vehicle equipped with dual controls.

(2) While the holder is participating in practice driving after having commenced an approved driver education course and the seat beside the holder is occupied by a licensed driver with valid driving privileges who is at least:

(A) twenty-five (25) years of age; or

(B) if the licensed driver is the holder's spouse, twenty-one (21) years of age.

(3) If the holder is not participating in an approved driver education course, and is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a licensed driver with valid driving privileges who is at least:

(A) twenty-five (25) years of age; or

(B) if the licensed driver is the holder's spouse, twenty-one (21) years of age.

(4) If the holder is not participating in an approved driver education course, and is at least eighteen (18) years of age, the



holder may participate in practice driving if accompanied in the vehicle by a licensed driver with valid driving privileges who is at least twenty-one (21) years of age.

**(b) The licensed driver supervising the practice driving required under subsection (a) may not be in a state of intoxication caused by the licensed driver's use of alcohol or a controlled substance, as prohibited by and set forth under IC 7.1-5-1-3(a). A vehicle may not be stopped to determine compliance with this subsection by the licensed driver supervising the practice driving. A vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle other than the licensed driver supervising the practice driving may not be inspected, searched, or detained solely because of a violation of this subsection.**

**(c) A licensed driver supervising the practice driving required under subsection (a) while in a state of intoxication caused by the licensed driver's use of alcohol or a controlled substance commits the offense set forth in IC 7.1-5-1-3(a).**

SECTION 3. IC 35-52-9-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 31.5. IC 9-24-3-2.5 defines a crime concerning public intoxication.**

SECTION 4. IC 35-52-9-32.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 32.4. IC 9-24-7-4 defines a crime concerning public intoxication.**

